

Executive Reorganization Order No. 29
Governor Bill Graves
2-9

9 Section 1. (a) On the effective date of this order, there is hereby es-
10 tablished the commission on emergency planning and response.

11 (b) The membership of the commission on emergency planning and
12 response shall consist of the agency head or secretary or a designated
13 person of authority from the following agencies:

14 (1) the fire marshal;

15 (2) the department of health and environment;

16 (3) the department of transportation;

17 (4) the Kansas highway patrol;

18 (5) the adjutant general; and

19 (6) the department of commerce and housing.

20 (c) In addition, the membership of the commission on emergency plan-
21 ning and response shall also consist of seven members appointed by the
22 governor as follows:

23 (1) Two individuals shall be representative of counties;

24 (2) two individuals selected to represent cities; and

25 (3) three individuals selected to represent businesses and industries.

26 (d) A designee of the adjutant general shall serve as the secretary of
27 the commission on emergency planning and response. The adjutant gen-
28 eral shall provide staff support for the commission on emergency planning
29 and response.

30 (e) Of the members first appointed to the commission on emergency
31 planning and response by the governor, one representative of cities, one
32 representative of counties, and one representative of business and indus-
33 try shall serve a term of two years, and the remainder of the members
34 appointed by the governor shall serve terms of three years. Thereafter,
35 members who represent cities, counties, and business and industry shall
36 serve terms of four years and until the successor has been appointed. Any
37 vacancy in the office of an appointed member shall be filled for the unex-
38 pired term by appointment by the governor.

39 (f) A chairperson shall be elected annually by the members of the
40 commission. A vice-chairperson shall be designated by the chairperson to
41 serve in the absence of the chairperson.

42 (g) For attending meetings of such commission, or attending a subcom-
43 mittee meeting thereof authorized by such commission, those members

1 of the commission appointed by the governor shall be paid compensation,
2 subsistence allowances, mileage and other expenses as provided in K.S.A.
3 75-3223, and amendments thereto.

4 Sec. 2. The commission on emergency planning and response shall have
5 the following functions, powers and duties:

6 (a) Carry out all requirements of the federal emergency planning and
7 community right-to-know act of 1986, 42 U.S.C. 11001-11005, and
8 amendments thereto, hereinafter called the "federal act";

9 (b) provide assistance and advice in establishing policy for the coordi-
10 nation of state agency activities relating to emergency training, prepar-
11 edness, planning, and response;

12 (c) provide assistance and advice in establishing policy and procedures
13 for chemical release reporting and prevention, transportation, manufac-
14 ture, storage, handling, and use;

15 (d) facilitate and advise the division of emergency management, the
16 adjutant general, and others in the preparation and implementation of all
17 emergency plans prepared by state agencies;

18 (e) facilitate and advise the division of emergency management, the
19 adjutant general, and others in the preparation and implementation of
20 statewide, interjurisdictional, and local emergency plans prepared in ac-
21 cordance with state and federal law;

22 (f) designate, and revise as necessary, the boundaries of emergency
23 planning districts in accordance with the federal act;

24 (g) approve the local emergency planning committee for each emer-
25 gency planning district;

26 (h) review reports about responses to disaster emergencies and make
27 recommendations to the appropriate parties involved in the response con-
28 cerning improved prevention, mitigation, and preparedness;

29 (i) provide assistance and advice to the division of emergency manage-
30 ment and the adjutant general in coordinating, advising, or planning tasks
31 related to community right-to-know reporting, toxic chemical release re-
32 porting, management of hazardous substances, emergency planning and
33 preparedness for all types of hazards, and emergency planning and pre-
34 paredness for all types of disasters, as defined in K.S.A. 48-925;

35 (j) recommend procedures to integrate, as appropriate, hazardous sub-
36 stance response planning under 42 U.S.C. 11001-11005, federal contin-
37 gency planning under 33 U.S.C. 1321 and other federal laws as applicable
38 to hazardous substance discharges, and state, regional, and local planning;

39 (k) provide recommendations and advice to the adjutant general and
40 the secretary of health and environment regarding the adoption of reg-
41 ulations as authorized to carry out the purposes of all state hazard pre-
42 paredness and planning laws and the federal act, 42 U.S.C. 11001-11005;
43 and

1 (l) approve the fees established by rules and regulations of the adjutant
2 general to cover all or part of the total operational costs of implementing
3 the provisions of the federal act.

4 Sec. 3. The state emergency response commission created by K.S.A.
5 65-5703 is hereby abolished.

6 (a) Except as otherwise provided by this order, all of the powers, duties,
7 and functions of the existing state emergency response commission are
8 hereby transferred to and conferred and imposed upon the commission
9 on emergency planning and response.

10 (b) Whenever the phrase "state emergency response commission" or
11 words of like effect, are referred to or designated by a statute, rule and
12 regulation, contract or other documents, the reference or designation
13 shall be deemed to apply to the commission on emergency planning and
14 response.

15 (c) All orders and directives of the state emergency response commis-
16 sion shall continue to be effective and shall be deemed to be orders and
17 directives of the commission on emergency planning and response until
18 revised, amended or nullified pursuant to law.

19 Sec. 4. Except as otherwise provided by this order, the commission on
20 emergency planning and response established by this order shall be the
21 successor in every way to the powers, duties, and functions of the state
22 emergency response commission which were vested prior to the effective
23 date of this order and which are transferred pursuant to section 3. Every
24 act performed in the exercise of such powers, duties, and functions by or
25 under the authority of the commission on emergency planning and re-
26 sponse shall be deemed to have the same force and effect as if performed
27 by the state emergency response commission in which such powers, du-
28 ties, and functions were vested prior to the effective date of this order.

29 Sec. 5. (a) Except as otherwise provided by this order, all of the powers,
30 duties, and functions of the secretary of health and environment relating
31 to provision of support for the oversight and administrative activities of
32 the state emergency response commission as provided in K.S.A. 65-
33 5704(a), and amendments thereto, are hereby transferred to and con-
34 ferred and imposed upon the adjutant general.

35 (b) Except as otherwise provided by this order, whenever the words
36 "secretary of health and environment" or words of like effect are referred
37 to or designated by a statute, rule and regulation, contract or other doc-
38 ument in connection with the powers, duties, and functions transferred
39 from the secretary of health and environment to the adjutant general by
40 this order, the reference or designation shall be deemed to apply to the
41 adjutant general.

42 Sec. 6. All rules and regulations, orders, and directives of the secretary
43 of health and environment relating to those duties, functions, and powers

